IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8879 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHIPATSINH BHIKHUBHA JADEJA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8879 of 2003

MR RM CHHAYA for Petitioner No. 1

MR SN SHELAT, A.G. with MS MAITHILI MEHTA, A.G.P for Respondents Nos. 1-4

MR JASWANT K SHAH for Respondent No. 2

MR AMAR D MITHANI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned A.G.P. Ms Maithili Mehta for respondents nos. 1 and 4, by learned advocate Shri Jaswant Shah for respondent no. 2 and by learned advocate Shri Amar D. Mithani for respondent no. 3. At the request of the learned advocates, the petition is finally heard today.

2. The petitioner has approached this Court as he had an apprehension that he might be evicted from the place where he is doing his business for the last 20 years or more.

3. It has been submitted by learned advocate Shri R.M. Chhaya appearing for the petitioner that in fact a representative of respondent no.2 had approached the petitioner and had directed him to vacate the plot, where he is doing his business, though no formal notice was given to the petitioner.

4. During the pendency of the petition, there was some development in the matter and learned advocate Shri Jaswant Shah appearing for respondent no. 2 has submitted that the land in question is now not required for widening of the road by respondent no. 2 and, therefore, there is no question of removing the petitioner from the land in question.

5. Learned Advocate General Shri S.N. Shelat appearing for respondents nos. 1 and 4 has submitted that if an application is submitted by the petitioner to respondent no.4 for grant of the land in question, the application shall be duly considered with due sympathy so that the land in question can be given to him in accordance with law.

6. In view of the aforesaid assurance given, learned advocate Shri R.M. Chhaya seeks permission to withdraw the petition at this stage. Permission for withdrawal of the petition is granted, without going into the merits of the matter. The petition stands disposed of as withdrawn with a liberty to approach this Court in case of difficulty. Ad-interim relief granted earlier stands vacated. Rul is discharged with no order as to costs.

(A.R. DAVE, J.)

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